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Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-B

Rules and Orders (Other than those published in Parts I, I-A, and I-L) made
by the Government of Gujarat under the Gujarat Acts

REVENUE DEPARTMENT

NOTIFICATION

Sachivalaya, Gandhinagar, 24th December, 2021.

GUJARAT TENANCY AND AGRICULTURAL LANDS ACT, 1948.

NO. GHM/2021/161/M/GNT/322007/577/Z :- The following draft of rules which is proposed to be issued under sub-section (2) of section 82 read with section 43 and sub-section (1) of section 63 of the Gujarat Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948) is published as required by sub-section (3) of section 82 of the said Act, for information of all persons likely to be affected thereby; and notice is hereby given that the said draft rules will be taken into consideration by the State Government on or after the expiry of thirty days from the date of publication of this notification in the *Official Gazette*.

- Any objection or suggestion which may be received by the Secretary to the Government of Gujarat, Revenue Department, Block No. 11, Sardar Bhavan, Sachivalaya, Gandhinagar from any person with respect to the said draft of rules before the expiry of the aforesaid period, will be considered by the Government.

DRAFT NOTIFICATION**GUJARAT TENANCY AND AGRICULTURAL LANDS ACT, 1948.**

NO. GHM/2021/161/M/GNT/322007/577/Z :- In exercise of the powers conferred by sub-section (2) of section 82 read with section 43 and sub-section (1) of section 63 of the Gujarat Tenancy and Agricultural lands Act, 1948 (Bom. LXVII of 1948), the Government of Gujarat hereby makes the following rules further to amend the Bombay Tenancy and Agricultural Land Rules, 1956, namely: -

1. (1) These rules may be called the Bombay Tenancy and Agricultural Land (Amendment) Rules, 2021.
- (2) They shall come into force on the date of their publication in the *Official Gazette*.
2. In the Bombay Tenancy and Agricultural Lands Rules, 1956 (hereinafter referred to as “the said Rules”), in rule 25C, for sub-rule (3), the following sub-rule shall be substituted, namely: -

- “(3) (a) The sanction of the Collector under clause (e) of sub-rule (1) shall be subject to a further condition that the person in whose favour the transfer is made shall obtain permission under the Gujarat Land Revenue Code, 1879 for non-agricultural use of the land within five years from the date of transfer of land.
- (b) The Collector may, after recording reasons in writing, extend the said period for non-agricultural permission as well as the use of land with the prior permission of the State Government.
- (c) The person who is willing to use the land on obtaining non-agricultural permission of the land within five years of the date of transfer or within the extended period shall be liable to pay amount of premium as prevalent on the date of application for non-agricultural permission as well as shall be liable to pay the difference of the premium.
- (d) If the person fails to comply with the condition within the period so specified, the sanction given under sub-section (1) of section 43 shall be deemed to have been cancelled and the transfer shall be deemed to have been made without the previous sanction of the Collector:

Provided that commencement of bona fide steps to use the land for the purpose for which sanction has been granted shall be deemed to be compliance with the condition regarding the use of the land for non-agricultural purpose within the sanctioned period:

Provided further that if the Collector is satisfied that the person in whose favour the transfer is made is unable to make use of the land within the specified period or the purpose for which the sanction has been granted on account of genuine reasons, he may allow him to use the land for a different purpose including agricultural use after specifying such conditions as may be considered necessary and thereupon the person concerned shall use the land for the said purpose within the sanctioned period.

Explanation.- Where a question arises whether the steps taken for the purpose of the first proviso were bona fide or not, the decision of the Collector shall be final.”

3. In the said Rules, in rule 36, in clause (1A), for the words “three years from the date on which he takes possession of the land in accordance with the provisions of the Act, or within such further period not exceeding five years in the aggregate as the Collector for reasons to be recorded in writing may from time to time fix or within such further period exceeding five years as aforesaid as the Collector may fix with the prior approval of the State Government.”, the words “ten years from the date on which he takes possession of the land in accordance with the provisions of the Act. The Collector may extend the period for non-agricultural permission as well as use of land with the prior approval of the State Government” shall be substituted.

By order and in the name of the Governor of Gujarat,

P. N. MAKWANA,

Deputy Secretary to Government.

